

Panaji, 16th July, 1987 (Ashada 25, 1909)

SERIES I No. 16

OFFICIAL GAZETTE

GOVERNMENT OF GOA

GOVERNMENT OF GOA, DAMAN AND DIU

Power, Supply and Welfare Department

Notification

2/14/84-PS & WD

Whereas the draft of certain rules which the Government of Goa, Daman and Diu proposes to make in exercise of the powers conferred by section 13 of the Goa, Daman and Diu Electricity Duty Act, 1986 (Act 7 of 1986) was published as required by sub-section (3) of section 13 of the said Act in the Official Gazette, Series I, No. 41 dated 8th January, 1987, under the Power, Supply and Welfare Department's Notification No. 2/14/84/PS-WD dated 6th January, 1987 inviting suggestions and objections from all persons likely to be affected thereby till 30 days from the date of publication of the said Notification in the Official Gazette;

And whereas the said Gazette was made available to the public on 8-1-1987;

And whereas no suggestions and/or objections were received from the public on the said draft within the prescribed period of 30 days.

Now, therefore, in exercise of the powers conferred by section 13 of the Goa, Daman and Diu Electricity Duty Act, 1986 (Act 7 of 1986), the Government of Goa, Daman and Diu hereby makes the following rules, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa, Daman and Diu Electricity Duty Rules, 1987.

(2) They shall come into force at once.

2. *Definitions.*— In these rules, unless the context requires otherwise,—

(a) "Act" means the Goa, Daman and Diu Electricity Duty Act, 1986 (Act 7 of 1986);

(b) "Authority" means the authority specified by the Government under paragraph II of the Schedule to the Act;

(c) "billing month" means a month in respect of which a bill of charges is prepared by the Department under its tariffs for the supply of energy to its consumers. Where more than half the num-

ber of days of such month fall in any calendar month, such month shall be named after that calendar month, and where equal number of days of such month fall in two calendar months such months shall be named after the first of the two calendar months;

(d) "form" means a form appended to these rules;

(e) "Inspector" means an Inspector appointed by the Government under section 7 of the Act;

(f) "part" means a Part in the Schedule to the Act;

(g) "quarter" means a period of three months ending on 31st March, 30th June, 30th September and 31st December of every year;

(h) "succeeding calendar month", with reference to any billing month named by a person generating energy, means the next month according to the British calendar;

(i) "person" means a person generating electrical energy;

(j) words and expressions used but not defined in these rules shall have the meanings respectively assigned to them in the Act.

Procedure for Bill and Payment of Electricity Duty

3. *Provisions as respects billing of electricity duty by Department.*— (1) The Department may prepare its bill of charges according to its billing month, but shall include the electricity duty leviable under the Act as a separate item in the bill of charges for the energy generated by the person and shall recover the same from the person along with its own charges for the supply of energy. The duty leviable in accordance with the different Parts shall be indicated by the Department separately in the bill.

(2) The Department shall credit the amount of duty in such Government Treasury under the head "0801 Power, 05 Transmission and Distribution 101 Power Development Scheme in Goa 81 Other Receipts" for Goa State, and 0801 Power, 05 Transmission and Distribution, 102 Power Development in Daman and Diu 81 Other Receipts, for Daman and Diu.

4. *Provision as respect payment of duty by persons who generate energy.*— (1) Every person other than the Department who intends to generate, or

intends to continue generation of energy exclusively for its own use after the commencement of these rules, shall make an application for registration in Form "A". Such application shall be made to the Chief Electrical Engineer.

(2) No person to whom a registration number is assigned under sub-rule (1) shall cause any extension or replacement to be made in his generating set without making a fresh application under sub-rule (1) and obtaining a fresh registration number under that sub-rule.

(3) Every person to whom a registration number is assigned under sub-rule (1) —

- (i) shall pay the electricity duty payable in respect of a calendar month within 15 days from the date of presentation of bills; and
- (ii) shall submit a quarterly return in Form B to the Chief Electrical Engineer on or before the 15th day of the month next following the quarter to which the return relates.

5. *Provision as respects payment of duty for temporary supply of energy made by any person not being the Department.* — (1) Every person intending to temporarily supply energy to anybody shall, where consumption of such energy would fall under Part G give an advance notice of his intention for such supply of energy to the Chief Electrical Engineer. Every such notice shall be in Form B, along with the charges referred to in sub-rule (2).

(2) The electricity duty leviable in respect of generation of energy referred to in sub-rule (1) shall be paid in advance to the Chief Electrical Engineer.

6. *Maintenance of registers.* — The Department shall maintain the following registers, namely: —

(A) a register of premises where energy is generated, containing the following particulars, that is to say —

- (i) the description of the land or, as the case may be, the building or any structure or any part of the building or structure on which generation of energy liable to duty under the Act is made;
- (ii) parts under which the duty is leviable on the consumption of energy made on such premises; and
- (iii) if the premises is a factory or an establishment, the registration number of such factory or, as the case may be, establishment, if any, assigned thereto.

(B) a register of generation containing particulars as respects the monthly generation of energy made for different Parts under which duty is leviable on the consumption of energy;

(C) a register of amounts found to be recoverable, with particulars thereof;

(D) a register of temporary supply of energy for exhibitions or entertainments, for private gain, or for social functions, giving particulars of —

- (i) the names of consumers,
- (ii) the connected supply sanctioned,

- (iii) the premises where the load was connected,
- (iv) the dates of commencement and stoppage of supply of energy, and
- (v) the amount of duty collected.

7. *Qualification of Inspectors.* — Any Officer of the Electricity Department, not below the rank of Assistant Engineer shall be qualified to be appointed as an Inspector under section 7 of the Act.

8. *Consumption to be metered accurately.* — (1) Where the generation of energy is liable for electricity duty under the Schedule of the Act, the generation shall be recorded by means of an accurate meter:

Provided that where a person generating energy for good and sufficient reasons and with the prior approval of the Chief Electrical Engineer does not install any meter, the units of energy consumed by him shall be calculated on the basis of the capacity of the generator installed and the normal working hours of the undertaking or business for which such generation is made:

Provided further, that, where a person, who generates energy for his own use does not install a meter or maintain and furnish proper documentary evidence of generation, the units of energy generated by him or by that other person may be calculated by the Inspector on the basis of such other data as may be available to him or secured by him from other sources.

(2) If the Inspector has any doubt about the accuracy of a meter used for the purpose of computation of duty by any person, he shall, refer the matter to the Chief Electrical Engineer. The Chief Electrical Engineer shall thereupon have the accuracy of the meter tested in accordance with the provisions of section 26 of the Indian Electricity Act, 1910 (Central Act 9 of 1910).

(3) Allowance for fast and slow meters and incorrect reading arising therefrom shall be made by the Department to whom the Indian Electricity Act, 1910 (Central Act 9 of 1910), is applicable to the extent permissible under the Indian Electricity Rules, 1956, only. In the case of any one else liable to pay electricity duty, no such allowance shall be permissible for the purposes of payment of duty, except when prior permission in that behalf is given by the Department.

9. *Reading of Meters.* — (1) The Department shall cause the meter of every person to be read as far as possible on the said date in each month and to have the units of energy generated and chargeable to duty in each month recorded. The period between two such consecutive readings shall be reckoned as one month for the purpose of computation of electricity duty and submission of quarterly returns under these rules:

Provided that, for the purposes of calculation of duty payable in respect of the period commencing on the 1st day of ... and ending on the day on which the meter is read for the first time thereafter, the units of energy generated during the said period shall, as far as possible, be determined on the basis of the average daily generation of energy recorded.

during the month immediately preceding the day on which the meter is read as aforesaid.

(2) Where a person becomes liable to pay electricity duty under more than one Part for the first time on the 1st day of ... such average daily consumption shall be allocated to the different parts by the Department, pro-rata, on an equitable basis as is feasible in the circumstances.

(3) Any person generating energy and who is liable to pay electricity duty on the basis of energy generated by him shall cause his meter or meters to be read on the fixed day of every calendar month and the electricity duty leviable shall be paid on the basis of the monthly consumption so recorded.

10. *Provision for separate meters or sub-meters.*—Where electricity duty in respect of energy consumed by a person generating energy is leviable under different Parts, such person shall cause to be installed different meters or sub-meters to indicate the consumption falling under each such Part.

11. *Right of Chief Electrical Engineer to enter premises of a person.*—Every person shall allow the Chief Electrical Engineer or his representative for the purposes of reading or testing the reading of a meter or sub-meter, to enter between sunrise and sunset, any premises in which the meter or the sub-meter is, or is believed to be, installed.

12. *Dispute regarding applicability on any Part.*—

(1) The authority to which any question has been referred for decision under paragraph II of the Schedule to the Act may require any person concerned or likely to be concerned with such question to produce before it such information (oral or documentary), as in its opinion is necessary or required for the purposes of recording its decision.

(2) Any person aggrieved by the decision of the authority under paragraph II of the Schedule to the Act or the Department having any interest in such decision shall, on payment of a copying fee at the rate of Rs. 2/- per typed page and on an application made in that behalf to the authority, be entitled to have a copy of the decision of the authority.

13. *Appeals against decision of authority.*—(1) Where an appeal against the decision of the authority under paragraph II of the Schedule to the Act is made to the Government, the Government may, after giving the appellant an opportunity of being heard and calling for such further information or evidence as it may deem necessary, pass such orders as it deems fit.

(2) Every such appeal shall be addressed to the Secretary (Power) to the Government of Goa in the Power, Supply and Welfare Department, Secretariat, Panaji, Goa.

Miscellaneous

14. *Recovery of arrears of electricity duty.*—Where any person who is liable to pay the electricity duty fails to pay the same within the time prescribed in that behalf, the Chief Electrical Engineer or his

representative shall send a written notice to the last known address of that person requiring him to pay the dues together with the interest accruable thereon within thirty days of the notice and upon the person's failure to pay the said dues within such period, the Chief Electrical Engineer may report to the Government for the recovery of the dues as arrears of land revenue.

FORM 'A'

[See Rule 4(1)]

Application for registration by a person intending to generate or intending to continue generation of energy exclusively for his own use

1. Name and address of the applicant:
2. Name and address of the person owning the generating set:
3. Description of the place where the set is used or intended to be used:
4. Description of the generating set:

Generator	Engine
a) Make	a) Make
b) Sr. No.	b) Sr. No.
c) KVA	c) BHP
d) Speed (Rpm)	d) Speed (Rpm)
e) Power Factor	e) Date of purchase
f) No. of phases	
g) Frequency	
h) Date of purchase	
5. Contract demand agreed with the Department and the connected load:
6. Total capacity of diesel generating sets for which permission was obtained previously:
7. Date of commencement of generation:
8. We hereby undertake that:
 - a) We will agree and undertake to operate the generating set whenever required by the Department when any power cut is prescribed by Government or otherwise. Failure to do so shall entitle the Department to effect corresponding reduction in our basic quota of demand and energy.
 - b) We will not claim any relief on account of our running the diesel generating sets.
 - c) We will inform the date of the commissioning of the set to the Department.
 - d) We will not run the set in parallel with the department's supply for which we will be installing change-over switch approved and sealed by the Department.
9. Approval of the Electrical Inspector, R.I.O. shall be obtained for the installation of the generator, including the change-over switch and a certified copy shall be produced to the Department before commissioning the set.
10. The generating set is to be installed for the purpose of:
 - * (i) as a standby in case of failure of department's supply.
 - * (ii) to augment the production.
 - * (iii) to be operated only when any power cut/failure is in force, or will be running side by side on a different circuit fully isolated from departmental supply.

Signature of the Applicant

Date: ...

(*Strike out whichever is not applicable)

FORM 'B'
[See rule 5(1)]

To
The Chief Electrical Engineer,
Electricity Department,
Govt. of Goa,
Vidyut Bhavan, 3rd floor,
Panaji-Goa.

Sir,

I ... residing at ... hereby give notice that I intend to temporarily supply energy from ... for the purpose mentioned in Part G of the Schedule to the Electricity Duty Act, 1986. The period during which I shall supply energy is from ... to ... The other particulars about the supply are as follows:

1. Place where temporary supply is intended to be had.
2. Time, date and duration of supply.
3. Temporary load to be connected (in KWs).
4. Source of supply.
5. Name and address of the person receiving energy.
6. Name, address and licence No. of the person doing wiring and installation work.
7. Use of supply.

Signature of the Applicant
Date: ...

By order and in the name of the Lt. Governor
of Goa, Daman and Diu.

Subhash V. Elekar, Under Secretary (Industries
Labour).

Panaji, 28th May, 1987.

GOVERNMENT OF GOA

Law Department

Legal Affairs Branch

Notification

LD/1/87-LAB

The National Security (Amendment) Ordinance, 1987 which has been promulgated by the President of India and published in the Extraordinary Gazette of India Part II-Section 1, dated 9-6-1987 is hereby republished for general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 1st July, 1987.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 9th June, 1987/
Jyaishta 19, 1909 (Saka)

The National Security (Amendment) Ordinance, 1987

No. 3 of 1987

Promulgated by the President in the Thirty-eighth
Year of the Republic of India.

An Ordinance further to amend the National
Security Act, 1980, in its application to the State
of Punjab and the Union territory of Chandigarh.

Whereas the Council of States is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the National Security (Amendment) Ordinance, 1987.

(2) It shall come into force at once.

2. *Amendment of Act 65 of 1980 in its application to Punjab and Chandigarh.*—The National Security Act, 1980 (hereinafter referred to as the principal Act) shall, in its application to the State of Punjab and the Union territory of Chandigarh, have effect subject to the amendments specified in section 3.

3. *Insertion of new section 14A.*—In the principal Act, after section 14, the following section shall be inserted, namely:—

'14A. *Circumstances in which persons may be detained for periods longer than three months without obtaining the opinion of Advisory Boards.*

—(1) Notwithstanding anything contained in the foregoing provisions of this Act, or in any judgment, decree or order of any court or other authority, any person in respect of whom an order of detention has been made under this Act at any time before the 8th day of June, 1988 may be detained without obtaining the opinion of the Advisory Board for a period longer than three months, but not exceeding six months, from the date of his detention where such person had been detained with a view to preventing him from acting, in any disturbed area, in any manner prejudicial to—

- (a) the defence of India; or
- (b) the security of India; or
- (c) the security of the State; or
- (d) the maintenance of public order; or
- (e) the maintenance of supplies and services essential to the community.

Explanation 1.—The provisions of the *Explanation* to sub-section (2) of section 3 shall apply for the purposes of this sub-section as they apply for the purposes of that sub-section.

Explanation 2.—In this sub-section, "disturbed area" means any area which is for the time being declared by notification under section 3 of the Punjab Disturbed Areas Act, 1983, or 32 of 1983, under section 3 of the Chandigarh Disturbed Areas Act, 1983, to be a 33 of 1983, disturbed area.

(2) In the case of any person to whom sub-section (1) applies, sections 3, 8 and 10 to 14 shall have effect subject to the following modifications, namely:—

(a) in section 3,—

(i) in sub-section (4), in the proviso,—

(A) for the words "ten days", the words "fifteen days" shall be substituted;

(B) for the words "fifteen days", the words "twenty days" shall be substituted;

(ii) in sub-section (5), for the words "seven days", the words "fifteen days" shall be substituted;

(b) in section 8, in sub-section (1), for the words "ten days", the words "fifteen days" shall be substituted;

(c) in section 10, for the words "shall, within three weeks", the words "shall, within four months and two weeks" shall be substituted;

(d) in section 11, —

(i) sub-section (1), for the words "seven weeks", the words "five months and three weeks" shall be substituted;

(ii) in sub-section (2), for the words "detention of the person concerned", the words "continued detention of the person concerned" shall be substituted;

(e) in section 12, for the words "for the detention", at both the places where they occur, the words "for the continued detention" shall be substituted;

(f) in section 13, for the words "twelve months", the words "two years" shall be substituted;

(g) in section 14, in the proviso to sub-section (2), for the words "twelve months", the words "two years" shall be substituted.

4. *Repeal.* — The National Security (Amendment) Act, 1984, section 4 of the National Security (Second Amendment) Act, 1984 and the National Security (Amendment) Act, 1985 are hereby repealed.

ZAIL SINGH,
President.

S. RAMAIAH,
Secy. to the Govt. of India.

Goa Legislative Assembly
Legislature Department

LA/B/1392/1987

Dt. 7th July, 1987.

The following Bill which was introduced in the Legislative Assembly of Goa on 6th July 1987 is hereby published for general information in pursuance of the provisions of Rule-136 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Industrial Disputes (Goa Amendment) Bill, 1987
(Bill No. 5 of 1987)

A
BILL

to amend the Industrial Disputes Act, 1947 in its application to the State of Goa.

Be it enacted by the Legislative Assembly of Goa in the Thirty-eighth Year of the Republic of India as follows: —

1. *Short title, extent and commencement.* — (1) This Act may be called the Industrial Disputes (Goa Amendment) Act, 1987.

(2) It extends to the whole of the State of Goa.

(3) It shall come into force at once.

2. *Amendment of section 7.* — In section 7 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (hereinafter referred to as the "principal Act"), in sub-section (3), after clause (d), the following clauses shall be inserted, namely:—

"(d-1) he has practised as an advocate or attorney for not less than seven years in a High Court or in two or more such Courts in succession, or any Court subordinate thereto, or any Industrial Court or Tribunal or Labour Court constituted under any law for the time being in force; or

(d-2) he holds a degree in law of a university established by law in any part of India or an equivalent degree and is holding or has held an office not lower in rank than that of Deputy Registrar of any Industrial Court or Tribunal or Labour Court constituted under any law for the time being in force for not less than five years; or

(d-3) he holds a degree in law of a university established by law in any part of India or an equivalent degree and is holding or has held an office not lower in rank than that of Deputy Commissioner of Labour under a State Government or a Union territory administration for not less than five years; or".

3. *Amendment of section 7A.* — In section 7A of the principal Act, in sub-section (3), for clause (aa), the following clauses shall be substituted, namely: —

"(b) he is, or has been, a District Judge; or

(c) he has, for a period of not less than three years, been an Additional District Judge or an Assistant Judge; or

(d) he is qualified for appointment as a Judge of the High Court."

Statement of Objects and Reasons

Difficulty is being experienced in appointing persons as the Presiding Officers of a Labour Court or Tribunal under the existing provisions of sub-section (3) of section 7 and sub-section (3) of 7A of the Industrial Disputes Act, 1947 as in this State there is a dearth of persons who could satisfy

the qualification mentioned in the said sub-sections and as a result, the post of Presiding Officer in the Tribunal is vacant.

In order to surmount this difficulty, it is proposed to relax the qualification of Presiding Officer of a Labour Court or Tribunal by amending sub-section (3) of section 7 and sub-section (3) of section 7A on the lines of the amendment carried out in the State of Maharashtra. This Bill seeks to achieve the above object.

Financial Memorandum

No financial implications are involved in this Bill.

Panaji,
22nd June, 1987

VAIKUNT G. DESSAI
Minister for Labour.

Assembly Hall,
Panaji,
3rd July, 1987.

M. M. NAIK
Secretary to the Legislative
Assembly of Goa.

(Annexure to Bill No. 5 of 1987)

The Industrial Disputes (Goa Amendment) Bill, 1987

The Industrial Disputes Act, 1947

(Central Act of 14 of 1947)

Section 7-A

(3) A person shall not be qualified for appointment as the presiding officer of a Tribunal unless—

- (a) he is, or has been, a Judge of a High Court; or
- (aa) he has, for a period of not less than three years, been a District Judge or an Additional District Judge; or

Assembly Hall,
Panaji,
3rd July, 1987.

M. M. NAIK
Secretary to the Legislative
Assembly of Goa